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09/993,007	11/14/2001	Terry Rayburn	1678	5705

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EXAMINER	
CONTEE, JOY KIMBERLY	
ART UNIT	PAPER NUMBER
2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/993,007	RAYBURN ET AL.	
	Examiner	Art Unit	
	JOY K. CONTEE	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-23,27,30,32 and 33* is/are rejected.

7)☒ Claim(s) *9,24-26,28,29 and 31* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/02/08,10/26/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06/02/08 have been fully considered but they are not persuasive. Applicant argues that Friedman fails to disclose determining that a second mobile subscriber is located in a zone in common with a first mobile subscriber. Applicant further suggests that Friedman's teaching of locating subscribers in close proximity does not anticipate the instant application as claimed. Examiner disagrees. Friedman clearly describes the situation in a location-based buddy list environment, wherein alert levels specify a range of user locations within which an alert should be generated (see col. 13, line 35 to col. 14, line 10). Friedman does not specifically mention the term zone. However, Friedman does teach where subscribers are in close proximity (see col. 13, lines 62-65). Applicant describes in the specification that "**the zone can be a cell, sector or some other designated location or area such as building or a sports stadium for instance.** ***Alternatively, the zone can be defined with respect to the requesting subscriber, such as an area covering a predefined distance from the subscriber."*** (see page 3, line 16-19). Hence, considering the latter definition is anticipated by Friedman's teaching of the buddy list scenario, wherein a requesting subscriber specifies a subset of users (or other subscribers) receive positional data only when the user is in a certain area or predefined distance from the subscriber (see col. 13,lines 1-21).

Finally, Applicant suggests that Friedman's teaching of generating an alert in response to being within a certain distance of another user does not amount to sending

a location reporting message in response to a determination that the second mobile subscriber is located within a zone in common with the first mobile subscriber. This is not true. The location- based buddy list taught in Friedman, works precisely as Applicant has described. Location of a plurality of users is tracked and based on user preferences, such as users within a subset, i.e., a range of user locations which an alert should be generated. Hence, in response to a location determination being made by tracking a user that the second subscriber is in a predetermined area (e.g., .2 miles of buddy list creator or a first subscriber), a location-reporting message is sent to the second subscriber, i.e., a second subscriber is alerted with a first subscriber's location, depending on user preferences (see col. 13, line 1 to col. 14, line 10 and Fig. 11).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 13, 14, 16, 17, 19-21, 30, 32 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Friedman, U.S. Patent No. 6,714,791.

Regarding claims 1 and 30, Friedman discloses a location-reporting method comprising:

receiving a location-reporting request (i.e., reads on specified event such as User A sending message to other users) from a first mobile subscriber (col. 12, line 60 to col. 13, line 9);

responsive to the request, making a determination that a second mobile subscriber is located in a zone in common (i.e., reads on within a certain proximity to User A) with the first mobile subscriber (col. 13,lines 2-21 and lines 62-67); and

responsive to the determination, sending a location-reporting message to the second mobile subscriber, the location-reporting message indicating a location of the first mobile subscriber (reads on example shown in Fig. 11, wherein users Dave And Andy should generate an alert if they are within a specific distance from Jackie. Further, the positional data for each user is transmitted if a user moves from one place to another to update all users configured to receive it, e.g., Dave and Andy in close proximity) (see Fig. 11 col. 13,lines 35-49 and line 62 to col. 14,line10).

Regarding claim 2, Friedman discloses the location reporting method of claim 1, wherein the location reporting message indicates proximity of the first mobile subscriber to the second mobile subscriber (col. 13, lines 41-45).

Regarding claim 3, Friedman discloses the location reporting method of claim 2, wherein the location-reporting message indicates that the first mobile subscriber is nearby the second mobile subscriber (col. 13, lines 62-67).

Regarding claim 4, Friedman discloses the location reporting method of claim 2,wherein the location reporting message indicates that the first mobile subscriber is in a location in common (i.e., reads on nearby area) with the second mobile subscriber (col. 13,lines 63-67).

Regarding claim 5, Friedman discloses the location reporting method of claim 1, wherein the location reporting message indicates latitude/longitude coordinates of the first mobile subscriber (col. 13, lines 17-21).

Regarding claim 6, Friedman discloses the location reporting method of claim 1, wherein the location reporting message indicates a street address where the first mobile subscriber is located (col. 13, lines 5-9).

Regarding claim 7, Friedman discloses the location reporting method of claim 1, wherein the location reporting message indicates an establishment (i.e., reads on precise location) where the first mobile subscriber is located (col. 13,lines 521).

Regarding claim 14, Friedman discloses the method of claim 1, wherein making a determination that second mobile subscriber is located in a zone in common with the first mobile subscriber comprises:

determining that the first mobile subscriber and the second mobile subscriber are located in a common service area (i.e., reads on nearby area) of a wireless communication system (col. 13, lines 62-67).

Regarding claims 13 and 16, Friedman discloses the method of claim 1, wherein making a determination that the second mobile subscriber is located in a zone in common with the first mobile subscriber, comprises, determining that the second mobile subscriber is located within a predefined distance of the first mobile subscriber (col. 13,lines 35-67).

Regarding claim 17, Friedman discloses the method of claim 1, further comprising presenting the location-reporting message to the second subscriber (i.e., via the buddy list) (col. 13, lines 35-49).

Regarding claim 19, Friedman discloses the location-reporting method of claim 1, wherein receiving a reply from the second mobile subscriber, after sending the location-reporting message to the second mobile subscriber; and in response to the reply, sending a location reporting reply message (i.e., reads on generation of alert to subscriber one) to the first mobile subscriber, the location reporting reply message indicating a location of the second mobile subscriber (col. 13, lines 62-67).

Regarding claim 20, Friedman discloses the location –reporting method of claim 19, wherein the location reporting reply message indicates proximity of the second mobile subscriber to the first mobile subscriber (col. 13, line 61 to col. 14, line 10).

Regarding claim 21, Friedman discloses the method of claim 19, further comprising presenting (i.e., via an alert) the location-reporting reply message to the first subscriber (col. 13, line 61 to 67).

Regarding claim 32, Friedman discloses a system comprising:

a processor (col. 6, lines 1-5);

data storage (col. 5, lines 48-57); and

machine language instructions stored in the data storage and executable by the processor in response to a location-reporting request from a first mobile subscriber, to:

make a determination that a second mobile subscriber is located in a zone common with the first mobile subscriber (col. 12, line 60 to col. 13, line 9); and

responsive to the determination, send a location-reporting message to the second mobile subscriber, the location-reporting message indicating a location of the first mobile subscriber (col. 13, lines 1-21).

Regarding claim 33, Friedman discloses the system of claim 32, wherein the location-reporting message indicates proximity of the first mobile subscriber to the second mobile subscriber (col. 13, lines 35-49).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 8,10-12,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman, in view of Jackson et al. ("Jackson"), U.S. Patent No. 6,477,387.

Regarding claims 8, Friedman discloses the limitations of claim 1. Friedman fails to explicitly disclose a map.

In a similar field of endeavor, Jackson discloses wherein the location reporting message includes a map depicting where the first mobile subscriber is located (col. 3, lines 29-45).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Friedman to include an interactive GUI terminal with display for the purpose of allowing the user to visually see where members of the group are located.

Regarding claims 10 and 11, Friedman discloses the limitations of claim 1. Friedman fails to disclose in response to the request, querying a group data store to identify the second mobile subscriber, nor wherein querying a group data store to identify the second mobile subscriber comprises identifying one or more mobile subscribers defining a group associated with the first mobile subscriber, the second mobile subscriber being a member of the group.

Jackson discloses in response to the request, querying a group data store to identify the second mobile subscriber, and wherein querying a group data store to identify the second mobile subscriber comprises identifying one or more mobile subscribers defining a group associated with the first mobile subscriber, the second mobile subscriber being a member of the group (col. 6,lines 36-67).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Friedman to include means for querying a group data store for the purpose of allowing the user to search for specific communication units or groups.

Regarding claim 12, Friedman as modified by Jackson discloses the location reporting method of claim 1, wherein the group is an instant messaging buddy list established for the first subscriber (see Friedman, col. 13,lines 1-9).

Regarding claim 15, Friedman discloses the limitations of claim 14, but fails to explicitly disclose the method wherein the common service area is an area selected from the group consisting of a cell and a sector (reads on geographical area) (col. 3,lines 46-61).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Friedman to include geographical cells or sectors for the purpose of determining grouping by common cellular zones.

6. Claims 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman, in view of Saint-Hilaire et al. ("Saint-Hilaire"), U.S. Patent No. 6,504,503.

Regarding claims 18 and 22, Friedman discloses the limitations of claims 17 and 19, but fails to disclose indicating of age of the location reporting reply message.

In a similar field of endeavor, Saint-Hilaire discloses prioritizing data based on reliability and time (col. 6,lines 49-55).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Friedman to include an indication of age of the location reporting reply message such that the buddy list is always current as suggested in Saint-Hilaire.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman, in view of Alperovich et al. ("Alperovich"), U.S. Patent No. 6,119,014.

Regarding claim 23, Friedman discloses the limitations of claim 1, but fails to disclose sending the location reporting message as text in an SMS message to the second mobile subscriber.

In a similar field of endeavor, Alperovich discloses sending the location reporting message as text in an SMS message to the second mobile subscriber (col. 6,lines 5-10).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Friedman to include SMS text messaging for the purpose of sending text messages based on the location of the receiving mobile as taught in Alperovich.

8. Claims 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman, in view of Greene, U.S. Patent No. 6,668,173.

Regarding claim 27, Friedman discloses a location-reporting method just as applied in independent claim 1 above. Friedman additionally suggests sending positional data only to a specified subset of users e.g., those on the buddy list (col. 13, lines 1-9). Friedman fails to explicitly disclose making a determination of whether reporting of the first mobile subscriber's location to the second mobile subscriber is blocked.

In a similar field of endeavor, Greene discloses the capability of indicating that the status and/or location of an user be optionally turned off by the user for privacy reasons (i.e., reads on subscriber being blocked for communication) (col. 5,lines 21-24).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Friedman to include if the determination is that reporting of the first

mobile subscriber's location to the second mobile subscriber is not blocked, then reporting the first mobile subscriber's location to the second mobile subscriber provided that the second mobile subscriber is located in a zone in common with the first mobile subscriber.

Motivation for doing so would have been for the purpose of addressing the subscriber in a buddy list or the like that maybe offline as is even suggested in Friedman's Fig. 11.

Allowable Subject Matter

9. Claims 9,24-26,28,29 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOY K. CONTEE whose telephone number is (571)272-7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

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